#

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3338 OF 2006

Kum.Gangabai d/o.Sitaram Sangde .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.T.J.Vajhurani for applicant

Ms.M.M.Deshmukh, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 12th September 2006

P.C.

. Applicant a woman accused aged 33 years and a labourer is original accused No.2 in

C.R.No.I-75/06 registered at Hillline Police Station, Ulhasnagar Dist. Thane. The said F.I.R. was registered at the instance of the Senior P.I. of Crime Investigating Department, Thane. The dead body of deceased Pandurang was found and his family members have been accused of assaulting him and beating him to death.

2. The applicant is the accused along with son of the deceased and a servant and an acquaintance of the family.

3. The deceased, it is alleged, was attempting to commit rape on his own sister and daughter and was trying to outrage their modesty. It was during this act and being repeatedly warned by the family members that the incident took place. The applicant has been arrested and is in custody from 26th April 2006.

4. Investigations are complete and the charge sheet is filed.

5. Apart from submitting that this Court has enough discretion to enlarge woman accused on bail, even if she is accused of commission of serious offence, learned Advocate submits that as far as role of the applicant is concerned, it is alleged that she joined others in the assault by Nylon rope and a stone muller. The only reason why the learned Sessions Judge appears to have rejected the application is because the applicant before me preferred a joint application.

6. In my view, apart from the fact that the offence is serious, the background in which the same has occurred so also considering that the applicant is detained for considerable time, it would be appropriate if her application for being released on bail is considered favourably. There are no antecedents as far as applicant is concerned. Additionally, she is woman accused and labourer. She is unmarried and would like to support herself by working as labourer. Hence

following order:-

i) The applicant arrested in connection with C.R.No.I-75 of 2006 registered with Hill Line Police Station shall be enlarged on bail in the sum of Rs.15,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer of Crime Branch, Thane once a month between 12.00 noon and 4.00 p.m. conclusion of the trial.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not

change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on

the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)